

REMARKS

Favorable reconsideration of the above-identified application is requested in view of the following remarks.

Claims 1-40 are pending, with Claims 1, 14, 24 and 27 being independent. By this Amendment claims 1, 14, 24 and 27 are amended. The Examiner is thanked for indicating that Claims 7, 8, 20, 21, 33 and 34 contain allowable subject matter.

Claims 1-3, 9, 11, 14-16, 22-29 and 35 are rejected under 35 U.S.C. § 102(e) as being anticipated by Bates. Claims 4, 6, 10, 17, 19, 30, 32 and 36-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bates in view of Honda (Translation of Japanese Patent No. 09-025285A), hereinafter Honda. Claims 5, 18 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bates in view of Honda and further in view of Fujimoto et al. (U.S. Patent No. 5,930,385), hereinafter Fujimoto. Claims 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bates in view of Adegeest (U.S. Patent No. 5,872,572), hereinafter Adegeest.

Independent Claim 1 now recites, in combination with other claimed features, means for grouping all the colors in the first image data, which are not the same colors, into groups, each of which is for grouping approximately equal colors and comparing the approximately equal colors of each group to all the colors of the second image data and for specifying a uniform adjusting color, that makes the first image data recognizable against all colors of the second image data that serve as the first image data's background.

The colors of the foreground (first) image data are grouped by their colors (approximately equal colors), and the color of the foreground (first) image data is compared in each group with the color of the background (second) image data.

Thus, when there are plural character images which appear as the same color on the background image such as a photographic image, the character images can be prevented from being converted to different colors.

Bates does not disclose that colors of the foreground, i.e., the first image data, which are not the same color, are grouped into groups, each of which is for grouping approximately equal colors and comparing the approximately equal colors of each group to all the background colors, i.e., second image data, as recited in present Claim 1.

In Bates, the term "text object" is defined so that this term encompasses any text, including foreign language text, which can be colored, such as hypertext links, bold text, blinking text, italicized text, etc. See column 6, lines 62 through 65. "Text object" is also meant to encompass groups of text. See column 6, line 62 through column 7, line 2.

In referring to Fig. 2, Bates explains that within the centered text object 245 on a table background 240 are two text objects, a hyperlink 250 and an italicized portion 241. It is also explained that the hyperlink 250 and the italicized portion 241, which constitute part of the centered text object 245, are preferably treated as separate objects so that they can each be assigned a color. See column 7, lines 10 through 16. The Examiner recognizes in paragraph 2 of the Office Action that each text object is a single color.

Accordingly, none of the single text objects chosen in Step 311 of Bates has multiple colors. Thus, Bates does not teach or suggest the combination of claim 1 that includes, among other elements, "means for grouping all the colors in the first image data, which are not the same colors, into groups, each of which is for grouping approximately equal colors and comparing the approximately equal colors of each

group to all the colors of the second image data and for specifying a uniform adjusting color, that makes the first image data recognizable against all colors of the second image data that serve as the first image data's background."

Therefore, in view of the amendments to the independent claims, Applicant submits that the claims of the present application are now patentable over the applied prior art.

None of the rejections of the dependent claims remedy the deficiencies of the rejections of the independent claims, and the dependent claims should be allowable at least by virtue of their dependence from allowable independent claims. For example, dependent claims 5, 18 and 31 are rejected over Bates in view of Honda and Fujimoto.

Claim 5 recites a judging means for judging the colors of the first image data are approximately equal when a sum of squares of the differences of the coordinate values in a specified color system is less than a specified value. The Office Action recognizes that Bates and Honda do not disclose these features. Applicants respectfully disagree with the Office Action's assertion that Fujimoto overcomes these deficiencies of Bates and Honda.

As disclosed in Fujimoto at the paragraph beginning at line 10 of column 6, comparison is executed between the color of the target pixel and those of pixels around four directions of the target pixel to which the same-color flags have not been set. Because the Office Action asserts that each group in Bates is composed of a single color it is unclear how the above-described portion of Fujimoto is applicable to Bates disclosure.

Further, paragraph 7 of the Office Action asserts that it would have been obvious to modify Bates and Honda by Fujimoto to includes means to judge the

similarity of input character colors because Fujimoto discloses judging the similarity of colors based on the sum squares of the differences of their coordinate values in relation to a threshold. This paragraph is not understood as it provides no reason why Bates and/or Honda require means to judge the similarity of input character colors. In the event the Examiner continues to assert this rejection, clarification of this paragraph is respectfully requested.

For the reasons stated above, it is requested that all the rejections be withdrawn and that this application be allowed in a timely manner.

Should any questions arise in connection with this application, or should the Examiner feel that a teleconference would be helpful in resolving any remaining issues pertaining to this application, the undersigned requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: 8-26-08

By: 

Michael Britton
Registration No. 47260

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620